

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: :
FITZROY SIMEON LEWIS : **CASE NO. 1-21-00032-HWV**
HEATHER ANN LEWIS :
Debtors : **CHAPTER 13**
:
FITZROY SIMEON LEWIS :
HEATHER ANN LEWIS :
Plaintiffs : **ADVERSARY NO. 1:21-ap-00010-HWV**
:
v. :
:
TOWD POINT MORTGAGE :
Defendant :

CERTIFICATE OF SERVICE

If service was made by personal service, by residence service or pursuant to state law, I further certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made.

I served a copy of the Summons and Complaint to Determine Extent of Secured Status on the following parties in this matter:

Name and Address	Mode of Service
Towd Point Mortgage Trust 2019-SJ1 U.S. Bank National Association, as Indenture Trustee c/o Select Portfolio Servicing, Inc. PO Box 65250 Salt Lake City, UT 84165-0250 OFFICER, MANAGING OR GENERAL AGENT, OR ANY OTHER AGENT AUTHORIZED BY APPOINTMENT, OR BY LAW, TO RECEIVE SERVICE OF PROCESS	<ul style="list-style-type: none">• Certified Mail, Postage Prepaid• Defendant does not have a registered office in Pennsylvania pursuant to a Corporation Bureau search• Served Defendant at the address on its Proof of Claim
Rebecca Solarz, Esquire KML Law Group, P.C. BNY Mellon Independence Center 701 Market Street, Suite 5000 Philadelphia, PA 19106	<ul style="list-style-type: none">• Certified Mail, Postage Prepaid
Charles J. DeHart, III, Esquire Chapter 13 Trustee	<ul style="list-style-type: none">• Via E-Service

Office Of United States Trustee
228 Walnut Street, Suite 1190
Harrisburg, PA 17101

• 1st Class Mail, Postage Prepaid

I certify under penalty of perjury that the foregoing is true and correct.

Date: 3/23/2021

Name: Gary J. Imblum, Esquire
Printed Name of Attorney

Address: 4615 Derry Street
Harrisburg, PA 17111

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA

In re:

Fitzroy Simeon Lewis
Heather Ann Lewis
Debtor(s)

Fitzroy Simeon Lewis
Heather Ann Lewis
Plaintiff(s)

vs.

TOWD Point Mortgage
Defendant(s)

Chapter 13

Case No. 1:21-bk-00032-HWV

Adversary No. 1:21-ap-00010-HWV

Summons

YOU ARE SUMMONED and required to file a motion or answer to the complaint which is attached to this summons with the clerk of the bankruptcy court no later than April 22, 2021, except that the United States and its offices and agencies shall file a motion or answer to the complaint no later than April 27, 2021. At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

The plaintiff is required to serve this summons on all defendants and file a certificate of service with the court evidencing such service. Instructions regarding service of a summons can be found on the court's website at www.pamb.uscourts.gov

<u>Address of Clerk</u>	<u>Name and Address of Plaintiff's/Petitioner's Attorney</u>
Ronald Reagan Federal Building 228 Walnut St., Rm 320 Harrisburg, PA 17101-1737	Gary J. Imblum 4615 Derry Street Harrisburg, PA 17111

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012.

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.



s/Terrence S. Miller

Terrence S. Miller
Clerk, U.S. Bankruptcy Court
228 Walnut St., Rm 320
Harrisburg, PA 17101-1737

Dated: March 23, 2021

Summons (Form summons) (05/18)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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:		
v.	:	
:		
TOWD POINT MORTGAGE	:	
Defendant	:	

COMPLAINT TO DETERMINE EXTENT OF SECURED STATUS

AND NOW come Plaintiffs, Fitzroy Simeon Lewis and Heather Ann Lewis (hereinafter "Debtors") pursuant to 11 U.S.C. § 506 and Bankruptcy Rule 3012 and respectfully represents:

1. Debtors filed a Chapter 13 Bankruptcy on or about January 7, 2021.
2. Debtors were the sole owners of the real estate situated and located at 889 Tulpehocken Road, Myerstown, Jackson Township, Lebanon County, Pennsylvania, Tax Map Number 23: 2380908-385327 until February 11, 2011.
3. The liens in order of priority are as follows:
 - a. Bank of America (first mortgage) - recorded June 24, 2010 - amount owed \$115,086.76 as stated in Proof of Claim No. 8 - mortgage executed by Debtors, Heather A. Lewis and Fitzroy S. Lewis;
 - b. Towd Point Mortgage Trust 2019-SJ1, U.S. Bank National Association, as Indenture Trustee - amount owed \$22,745.91 as stated in Proof of Claim No. 11 - mortgage recorded March 30, 2007 (see Subordination Agreement

recorded July 8, 2010 at Record Book 2146, Page 3350) - mortgage executed by Debtors, Heather A. Lewis and Fitzroy S. Lewis; and

- c. Discover Bank (judgment lien against Fitzroy Lewis) - entered to No. 2019-01240 on October 15, 2019 in the amount of \$13,804.87 (see Proof of Claim No. 3).

4. The market value of Debtors' residence is \$102,530.00 in accordance with the market analysis attached to the bankruptcy schedules.

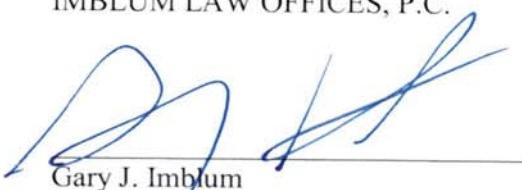
5. On February 17, 2021, Debtors recorded a Deed dated February 11, 2011 on the aforementioned real estate, on February 17, 2011, deeding the property to Fitzroy S. Lewis and Heather A. Lewis, husband and wife, and Magdalene Johnson (35% interest).

6. The mortgage of Towd Point Mortgage Trust 2019-SJ1, U.S. Bank National Association, as Indenture Trustee is avoidable in full since deducting the amount owed on liens of higher priority, there is no equity remaining in the residence.

WHEREFORE, Debtors/Plaintiffs respectfully request this Honorable Court that the mortgage of Towd Point Mortgage Trust 2019-SJ1, U.S. Bank National Association, as Indenture Trustee is avoided and is of no further legal effect.

Respectfully submitted,

IMBLUM LAW OFFICES, P.C.



Gary J. Imblum
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4615 Derry Street, Harrisburg, PA 17111
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Email: gary.imblum@imblumlaw.com
Attorney for Debtors/Movants

Dated: 3/22/21

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:	:	
FITZROY SIMEON LEWIS	:	CASE NO. 1-21-00032-HWV
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Plaintiffs	:	ADVERSARY NO. 1:21-ap-00010-HWV
	:	
v.	:	
	:	
TOWD POINT MORTGAGE	:	
Defendant	:	

ORDER

Upon consideration of Debtors' Complaint to Determine Extent of Secured Status and pursuant to failure of Defendant, Towd Point Mortgage Trust 2019-SJ1, U.S. Bank National Association, as Indenture Trustee to file any response thereto;

IT IS HEREBY ORDERED AND DECREED, that the mortgage of Towd Point Mortgage Trust 2019-SJ1, U.S. Bank National Association, as Indenture Trustee, Subordination Agreement recorded July 10, 2010 in Record Book 2146, Page 3350, against the property owed by Debtors and Magdalene Johnson, situated and located at 889 Tulpehocken Road, Myerstown, Jackson Township, Lebanon County, Pennsylvania, Tax Map Number 22:2380908-385327, is hereby voided and is of no further legal effect once Debtors successfully complete their Chapter 13 Plan.

A copy of this Order may be recorded at the Lebanon County Recorder of Deeds Office to evidence the voiding of aforesaid mortgage and the Recorder of Deeds is directed to terminate the mortgage in the Record Book indices.